



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 10, 2004

Robert Woolrich
Executive Director
Kendal at Hanover
80 Lyme Road
Hanover, New Hampshire 03755

CERTIFIED MAIL (7099 3400 0018 1290 3206)
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Dear Mr. Woolrich:

On October 23, 2003, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted a compliance inspection at Kendal at Hanover ("Kendal") in Hanover, NH. The purpose of the inspection was to determine Kendal's compliance status with NH Administrative Rules Env-A 100 *et seq.* The purpose of this letter is to notify you of the violations discovered during the inspection and subsequent file review. The specific violations are as follows:

- Kendal was issued three State Permits to operate Boilers #2 and #3 and an emergency diesel generator on May 13, 1996. These permits expired on May 31, 2001. As provided by Env-A 608.08, the expiration of a state permit to operate terminates the right to operate under the permit unless a complete renewal application has been submitted to the department at least 90 days prior to the expiration date. Kendal did not submit a renewal application until October 4, 2002, and was thereby operating without a permit in violation of Env-A 603.01(b) from June 1, 2001 until the new permit, FP-S-0227, was issued on January 23, 2004.
2. The expired permits for the boilers, PO-B-1797 and PO-B-1798, required Kendal to keep records of the dates that the boilers were operated for at least four years. (See Condition E.2. in permits PO-B-1797 and PO-B-1798.) Kendal could not produce such records during the October 23, 2003 inspection. The new permit, FP-S-0227, requires Kendal to maintain records, on a monthly basis, of the hours of operation of the boilers and emergency generator, and to keep such records for at least five years.
 3. The expired permit for the emergency generator, PO-B-1799, required Kendal to keep records of the daily hours of operation and the 365-day rolling total hours of operation for at least four years. (See Condition F.1 of permit PO-B-1799.) No such records were found during the October 23, 2003 inspection.
 4. Permit PO-B-1799 required Kendal to keep records of the sulfur content of each shipment of #2 Diesel fuel oil delivered to the facility and burned in the generator. (See Condition F.1. in permit PO-B-1799.) Kendal could not produce such records of #2 Diesel fuel oil sulfur content during the October 23, 2003 inspection.

5. Boiler #6, formerly Boiler #3, was originally installed in 1990 and has a heat input rating of 15.0 MMBTU, which makes it subject to 40 CFR 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. This rule has been incorporated by reference in Env-A 503.01(e). Affected sources are required to file semi-annual fuel usage reports with EPA and DES. Prior to the October 23, 2003 inspection, Kendal had not filed either of these reports.

DES believes that no further action in response to the listed violations is required. The new permit has been issued and it is DES's understanding that Kendal is keeping the required records and submitting the required reports at this time. DES requests that Kendal continue to comply with all future recordkeeping and reporting obligations contained in its permit. In the event that other violations are identified, DES may take further action against Kendal, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Barbara Hoffman at (603) 271-7874, Compliance Bureau, Air Resources Division. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.state.nh.us/rules/air.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

Enclosure: Inspection report

R. R. Scott, Director, NHDES-ARD
G. Hamel, NHDES Legal Unit Administrator
R. Kurowski, EPA Region I
Julia Griffin, Town Manager, Town of Hanover
Source File